

REMARKS

Claims 3-10 and 12 are pending in this application. By this Amendment, claims 3-7 and 10 are amended, and claims 11 and 13-14 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. Claims 3-7 and 10 are amended for dependency. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amend claims 3-7 and 10 to depend from claim 12, which is allowable for the reasons discussed below; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. The §103(a) Rejection is Moot

Claims 4, 5, 10 and 11 are rejected under 35 U.S.C. §103(a) over Yamanaka. This rejection is moot in view of the cancellation of claim 11 and the amendments to claims 4, 5 and 10 to depend from claim 12. Accordingly, Applicants respectfully request withdrawal of the rejection.

II. Double Patenting Rejection

Claims 3-12 are rejected under nonstatutory obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,950,308 to Saitoh et al. The rejection of canceled claim 11 is moot, and the rejection of claims 3-10 and 12 is respectfully traversed.

Attached is a terminal disclaimer. Thus, the double patenting rejection is obviated. Accordingly, Applicants respectfully request withdrawal of the rejection.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: June 4, 2007

Attachment:
Terminal Disclaimer

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